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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Toshiro TSUCHIDA et al.

Group Art Unit: 3713

Appln. No. : 09/986,586

Examiner: C. MARKS

Filed : November 9, 2001

For : VIDEO GAME APPARATUS AND CONTROL METHOD THEREOF,
AND PROGRAM OF VIDEO GAME AND COMPUTER-READABLE
RECORDING MEDIUM HAVING PROGRAM RECORDED THEREON

APPEAL BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the examiner's final rejection of claims 1 - 6 and 13 - 24, as set forth in the Final Office Action dated January 21, 2004.

A Notice Of Appeal was filed on June 21, 2004, in response to the Official Action dated January 21, 2004. The two month period for response was set to expire on August 23, 2004 (August 21, 2004, being a Saturday). Further, this Appeal Brief is being submitted in triplicate pursuant to 37 C.F.R. §1.192(a), together with a check including the requisite fee under 37 C.F.R. §1.17(c) in the amount of \$330.00 for the filing of the Appeal Brief.

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If for any reason, however, the necessary fee is inadequate or is not associated with this file, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

Appellants respectfully request that the examiner's Final Rejection be reversed and that the application be returned to the Examining Group for allowance.

(1) REAL PARTY IN INTEREST

The real party in interest is Kabushiki Kaisha Square Enix (also trading as SQUARE ENIX, CO., LTD.).

(2) RELATED APPEALS AND INTERFERENCES

Appellants are presently not aware of any other appeals and/or interferences that will directly affect or be affected by or have a bearing on the Board's decision in the present appeal.

(3) STATUS OF THE CLAIMS

Claims 1 - 6 and 13 - 24, the only claims now pending in the instant application, stand finally rejected.

Claims 7 - 12 have been canceled.

Claims 1 - 3, 13-15, and 19 - 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over OHNUMA et al. in view of Final Fantasy VIII (FFVIII).

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Claims 4, 5, 16, 17, 22, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over OHNUMA et al. in view of KONDO et al.

Claims 6, 18, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over OHNUMA et al.

(4) STATUS OF THE AMENDMENTS

Cancellation of claims 7 - 12 was proposed in an Amendment Under 37 C.F.R. 1.116 filed on April 21, 2004.

The examiner has entered the amendment, as communicated in an advisory action mailed May 14, 2004. The appendix of the claims attached to this brief reflects the claims as presented in the Amendment Under 37 C.F.R. 1.116 filed on April 21, 2004.

(5) SUMMARY OF THE INVENTION

The present invention is directed to video games, in particular, rewarding characters when winning battles in a video game. Role playing games are one genre of video game played using a computer. In a typical role playing game, the player takes the role of a particular character in the game and experiences simulated adventures through the character that the player controls (referred to as the "player character") as the story unfolds. In many such games the player character and opposing characters (referred to as "enemy characters") battle one another. When the player character defeats the enemy character the player character typically acquires a reward, such as experience points or a trophy. The reward

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acquired by the player character as a result of winning a battle offers great pleasure to the player. Thus, how the reward is determined influences the interest of the video game. *See* page 1 of the specification.

As described on page 12 of the specification, when a player character attacks an enemy character, the inflicted damage is subtracted from the hit points of the enemy character. When the hit points of the enemy character decreases to zero or less as a result of the subtraction, it is determined that the player character has defeated the enemy character and won the battle. In this case, the player character acquires experience points previously set for the enemy character. Furthermore, the player character acquires an item or virtual money previously set for the enemy character.

A characteristic feature of the invention is that, in the case when a player character inflicts a large amount of damage on the enemy character with the final attack that defeats the enemy character, the player is provided with an advantage that the experience points acquired by the player character increase or the number of items acquired by the player character increases. This advantage is given in the case where the damage inflicted by the player character immediately before the player character defeats the enemy character (i.e., the damage finally inflicted on the enemy character) is at least equal to a threshold previously set for the enemy character.

As discussed on pages 14 - 16 of the specification, if the last damage inflicted on the enemy character by the player character is less than a threshold associated with the enemy character, then standard reward processing is executed. In standard processing, experience points acquired, and the kind and the number of items acquired are determined according to standard rules.

On the other hand, if the damage is at least the threshold, then special reward determining processing is executed. In this special processing, acquired experience points and the type and the number of items acquired are determined according to special rules different from the standard rules.

In one embodiment of the present invention, two columns for standard rules and special rules are prepared in a table that defines, for respective enemy characters, the experience points and the types and the numbers of items a player character acquires when the player character has defeated the enemy characters. According to whether the last damage inflicted on the enemy character is greater than the threshold, either of the two columns is referred to. In the standard reward processing, the column for standard rules is referred to. In the special reward processing, the column for special rules is referred to.

In one embodiment, the acquisition experience points of the player character determined by the special rules are greater than the acquisition experience points of the player character determined by the standard rules. Therefore, when a player character has

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inflicted damage of at least the threshold and defeated the enemy character, the quantity of received experience points is greater than when a player character has inflicted damage less than the threshold and defeated the same enemy character. Furthermore, the number of items acquired by the player character determined by special rules can be larger than the number of the same items acquired by the player character determined by standard rules. Therefore, when the player character has inflicted damage of at least the threshold on the enemy character and defeated the enemy character, the quantity of possession items is larger than when the player character has inflicted damage less than the threshold on the enemy character and defeated the same enemy character.

If the player character inflicts damage of at least the threshold on the enemy character and defeats the enemy character, then an advantage of increased experience points and number of items acquired by the player character is thus given to the player in the present embodiment. Therefore, the pleasure of the battle is increased and the interest of the game can be enhanced.

As discussed on pages 16 and 17 of the specification, various other advantages concerning items are conceivable. For example, in such a video game that the enemy character does not always have an item but has an item with a predetermined probability, the probability of acquiring an item may be increased, provided that the player character inflicts damage of at least the threshold on the enemy character and kills the enemy character.

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Furthermore, when the player character inflicts damage of at least the threshold on the enemy character and defeats the enemy character, the player character may acquire an item different from that acquired when the player character inflicts damage less than the threshold on the enemy character and defeats the enemy character, such as a rare item that does not appear usually. Moreover, the reward of the player character may be changed with a predetermined probability. For example, the number of acquired items may be increased at a predetermined probability.

(6) ISSUES

Whether claims 1 - 3, 13-15, and 19 - 21 are obvious over OHNUMA et al. in view of Final Fantasy VIII (FFVIII).

Whether claims 4, 5, 16, 17, 22, and 23 are obvious over OHNUMA et al. in view of KONDO et al.

Whether claims 6, 18, and 24 are obvious over OHNUMA et al.

(7) GROUPING OF CLAIMS

Although all claims stand rejected under 35 U.S.C. § 103, the claims do not all stand or fall together.

(a) Claim 1 and claims dependent therefrom

Independent claim 1 and claims 2 and 6, dependent from claim 1, will stand or fall together.

Claim 3 is separately patentable from, and does not fall with claim 1.

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Claim 4 is separately patentable from, and does not fall with, claim 1.

Claim 5 is separately patentable from, and does not fall with claim 1.

Claim 10 is separately patentable from, and does not fall with claim 1.

(b) Independent Claim 13 and claims dependent therefrom

Claims 13, 14, and 18 stand or fall together.

Claim 15 is separately patentable from, and does not fall with claim 13.

Claim 16 is separately patentable from, and does not fall with claim 13.

Claim 17 is separately patentable from, and does not fall with claim 13.

(c) Independent Claim 19 and claims dependent therefrom

Claims 19, 20, and 24 stand or fall together.

Claim 21 is separately patentable from, and does not fall with claim 19.

Claim 22 is separately patentable from, and does not fall with claim 19.

Claim 23 is separately patentable from, and does not fall with claim 19.

(8) ARGUMENT

Claims 1 - 3, 13-15, and 19 - 21 Are Not Obvious over OHNUMA et al. in view of

Final Fantasy VIII (FFVIII) under 35 U.S.C. §103(a)

There Is No Motivation to Combine OHNUMA et al. with Final Fantasy VIII (FFVIII)

There is no suggestion, motivation, incentive, or reason to combine the references in the manner proposed by the examiner, except that provided in appellant's specification.

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“[T]he record must provide a teaching, suggestion, or reason to substitute computer-controlled valves for the system of hoses in the prior art. The absence of such a suggestion to combine is dispositive in an obviousness determination.” *See SmithKline Diagnostics, Inc. v. Helena Lab. Corp.*, 859 F.2d 878, 886-87, 8 USPQ2d 1468, 1475 (Fed. Cir. 1988).

The examiner is using hindsight in providing a motivation to combine the references. The examiner states that “one of ordinary skill in the art would be motivated to do this . . . to reward players for more than just successful defeats, thus more advanced players would feel they are truly being judged and would get more satisfaction than the current method of OHNUMA et al. which awards all players who defeat a monster equally, thus alienating the success of those who not only beat the monster, but do it especially well.” The present specification (at page 1) discusses the pleasure/satisfaction of receiving different rewards. Neither applied reference discloses or suggests such a concept. It is clear the examiner is using hindsight.

The examiner also states that “a skilled artisan would also understand that a number of ways besides time could be used to establish how well a monster is beat, including for example, how many turns it took, what weapons were used, how much the monster was beat by, or any other well-known features of a fighting game. Therefore it would have been obvious to a skilled artisan to apply the teachings of Final Fantasy VIII to Ohnuma et al. in

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awarding players for how well they defeat the monster. Though Final Fantasy VIII relates to time, one of ordinary skill would understand as disclosed above that other parameters could easily be chosen while keeping with the intent of the teachings. Thus, when applying to Ohnuma et al., it would be obvious to use an alternate parameter such as to keep track of how soundly the monster was beat.” See page 5 of January 21, 2004, Office Action.

First of all, FFVIII does not judge how well a monster is beat, as discussed in more detail in the next section. Even assuming FFVIII provides such a teaching, the examiner has not stated why OHNUMA et al. suggest a modification. In fact, OHNUMA et al. merely disclose how to determine when an enemy has been defeated. The reference has no teaching or suggestion of modifying the calculation to change a parameter based upon a comparison of a threshold and an amount of damage caused by a final fatal attack. FFVIII also does not provide any suggestion for a combination with OHNUMA et al.

Consequently, there is no motivation to combine OHNUMA et al. with FFVIII.

The Combination of OHNUMA et al. and FFVIII Does Not Teach or Suggest All of the Limitations of Claims 1, 13, or 19

Even if combined, the references fail to teach all the limitations, namely: Claim 1 requires a computer readable recording medium having a program of a video game . . . , the program of the video game causes the computer to . . . compare an amount of damage

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inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character; changing the parameter . . . according to a first condition when the enemy is defeated by an amount of damage that is less than the threshold value; and changing the parameter . . . according to a second condition that is different from the first condition when the enemy is defeated by an amount of damage that is at least the threshold value.

In contrast, the applied references do not teach or render obvious to one having ordinary skill in the art a data storage medium recording a video game program, the program causing the computer to change a parameter based upon a comparison of damage inflicted immediately before the enemy character is defeated.

On pages 4 and 5 of the Office Action of January 21, 2004, the examiner concedes that OHNUMA et al. do not disclose rewarding a player based on how badly the enemy was beat. “Ohnuma et al. disclose a method with different awards for beating and not beating an enemy and the threshold only measures if the player actually defeats an enemy . . . the threshold does not allow a player to achieve greater awards based on how badly the enemy was beat.” “The teachings of Final Fantasy VIII obviate to a skilled artisan that a player can be awarded not only for beating an enemy, but also for how they do it. Ohnuma et al. does not embrace this concept.”

The examiner argues, however, that FFVIII teachings, when combined with OHNUMA et al. suggest such a feature.

In fact, FFVIII only teaches rewarding a player based upon how well the player can estimate the time it will take to complete a two part task.

FF VIII is a game developed by the assignee of the present invention. FF VIII discloses a feature referred to as “Fire Cavern,” which the examiner relies upon. Fire Cavern includes an event having a time limit. The event includes two quests: defeating an enemy, and returning to a specific location. Before starting the event, the player selects a target time for himself, e.g., 10 minutes, 20 minutes, 30 minutes, or 40 minutes. After setting the target time, the player starts the event. After completing the event, the time the player required to complete the event, i.e., defeat the enemy and return to the specified location, is calculated and compared with the selected target time. The smaller the difference between the target time and the actual time, the more points the player receives. For example, if the difference is less than seven seconds, 100 points are awarded. If the difference is between eight and twenty nine seconds, 90 points are awarded, etc.

Contrary to the examiner’s assertion that “the quicker they made it through the more the parameter is changed,” the parameter is not changed the quicker the player completes the event. The player can set a long time, e.g., 40 minutes, and thus be penalized for quickly

completing the event. FF VIII changes a parameter based upon how well the player estimated.

The examiner states that “[t]hus, even though in both instances the player beat the enemy, the player who did it better is awarded more points.” In the Advisory Action, the examiner also argues that “When the player is closest to the threshold, they are considered to have performed better and thus beat the monster and task with more skill.”

First, the event is not simply defeating an enemy, but also includes successfully navigating the character to a specific location. Therefore, FF VIII does not measure how well a player defeats the enemy. FF VIII measures how long it takes to complete an entire event. Whether or not the player defeats an enemy quickly does not determine how the player is rewarded. FF VIII does not compare the time taken to defeat an enemy with any threshold value. FF VIII only compares a time required to complete an entire event with a target time.

Second, FF VIII does not analyze whether a player did a better job of beating the enemy and task. Instead, FF VIII evaluates how well the player *estimated* the time required to complete the event. If a first player sets a target time to 40 minutes and the first player takes exactly 40 minutes to complete the event, and a second player who also selected 40 minutes completes the event in ten minutes, the quicker player receives a smaller reward. The reward is not determined by whether the battle time exceeds the predetermined time, but

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rather by how the estimated target time compares to the total time required to defeat an enemy *and* to move to a specific location.

In response to the examiner's argument in the Advisory Action that navigation is part of defeating an enemy, it is noted that in FFVIII after the enemy has been defeated the player character must navigate back to a specific location. The examiner's statement that environments are an integral part of player performance is irrelevant to the issue of whether navigation out of the cavern is related to defeating the enemy. The task is clearly a two part task: defeating the enemy and then moving out of the cavern. Thus, the examiner's statement that "in Final Fantasy VIII, defeating the enemy comprises the requirement to navigate out of the cavern, thus it is a part of the determination of how the enemy was defeated" is inaccurate. The navigation is a part of the overall task, but not part of defeating the enemy. Consequently, FFVIII does not teach determining whether a monster and task are beat with more skill. Rather, FFVIII only teaches rewarding a player based upon how well he estimated the task would take to complete. The only skill evaluated is estimating skill.

In sum, the examiner admits that OHNUMA et al. do not disclose determining how soundly an enemy is beat, and FFVIII's evaluation of how well a player estimated the time required to complete a task also does not change a parameter based upon a comparison of the threshold and the amount of damage inflicted immediately before defeating the enemy

character. Consequently, the combination of the references does not teach or suggest all of the limitations of claim 1.

Independent claim 13 recites a video game apparatus comprising a computer that compares an amount of damage inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character; changes the parameter . . . according to a first condition when the enemy is defeated by an amount of damage that is less than the threshold value; and changes the parameter . . . according to a second condition that is different from the first condition when the enemy is defeated by an amount of damage that is at least the threshold value.

Independent claim 19 recites a control method of a video game comprising comparing an amount of damage inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character; changing the parameter . . . according to a first condition when the enemy is defeated by an amount of damage that is less than the threshold value; and changing the parameter . . . according to a second condition that is different from the first condition when the enemy is defeated by an amount of damage that is at least the threshold value.

As noted above, these limitations are not taught or suggested by the proposed combination. Thus, it is respectfully requested that the Board reverse the examiner's rejections of claims 1, 13, and 19.

The Combination of OHNUMA et al. and FFVIII Does Not Teach or Suggest All of the
Limitations of Claims 3, 15, or 21

Even if combined, the references fail to teach all the limitations of dependent claims 3, 15, and 21. For example, claim 3, which depends from claim 1, requires a computer readable medium wherein the parameter comprises the numbers of items acquired by the player, and the changing increases the number of items by a first number when the amount of damage is less than the threshold, and the changing increases the number of items by a second number greater than the first number when the amount of damage is at least the threshold. Claims 15 and 21 recite similar limitations in apparatus and method claims, respectively.

As noted above, FF VIII does not teach "that a win with greater damage would result in better prizes," contrary to the examiner's assertion on page 6 of the January 21, 2004, Office Action. FF VIII does not evaluate damage and therefore cannot determine any prizes based upon damage. FF VIII also does not discuss or suggest varying the number of items awarded. The reference only discusses varying the number of points received. Thus, the

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reference cannot suggest varying, much less increasing, the number of items when the amount of damage is at least the threshold value. OHNUMA et al. do not supply the deficiencies.

Thus, it is respectfully requested that the Board reverse the examiner's rejections of claims 3, 15, and 21.

The Combination of OHNUMA et al. and KONDO et al. Does Not Teach or Suggest All of the Limitations of Claims 4, 5, 16, 17, 22, or 23

Claim 4, which depends from claim 1, requires a computer readable medium wherein the parameter comprises the numbers of items acquired by the player, and the changing increases a number of first items when the amount of damage is less than the threshold, and the changing increases a number of second items that are different from the first items when the amount of damage is at least the threshold. Claims 16 and 22 recite similar limitations in apparatus and method claims, respectively.

The examiner has not provided a reference or other objective evidence to reject the specific limitations of claims 4, 5, 16, 17, 22 or 23 in either of her Office Actions. Rather, she states "it would have been an alternative design alternative to award the players different types of items based upon the points obtained as disclosed by KONDO et al. . . . It would have been obvious to one of ordinary skill in the art that as a design alternative to awarding

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the player points based upon nearness to the threshold value as disclosed by Kondo et al., the players could be awarded different items (as opposed to different points) based upon how close they came to defeating the character. This would be synonymous with the awarding of items disclosed by Ohnuma et al.” *See* page 7 of January 21, 2004, Office Action. Awarding a single type of item in all instances (as disclosed by OHNUMA et al.) is not believed to be synonymous with awarding different items based upon a comparison. There is no discussion or suggestion in any of the references of changing the type of item awarded, much less in response to the claimed comparison. Without having provided a reference to support her naked assertions, the Board is respectfully requested to overturn the rejections of claims 4, 16, and 22.

Claim 5, which depends from claim 1, requires a computer readable medium wherein the changing changes the probability of acquiring an item to a first probability when the amount of damage is less than the threshold, and the changing changes the probability of acquiring an item to a second probability that is higher than the first probability when the amount of damage is at least the threshold. Claims 17 and 23 recite similar limitations in apparatus and method claims, respectively, although acquisition factors are recited instead of probabilities.

The examiner argues that “one of ordinary skill in the art understands that in a role-playing game as disclosed by Kondo et al. and Ohnuma et al., it is notoriously well known

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in the art that magic or other weapon items can be obtained by reaching a certain point level or acquisition factor . . . by awarding points as currently disclosed by Kondo et al., the gaming system is essentially awarding a probability of acquiring an item, as it is disclosed above that it is notoriously well known in the art that acquisition factors are used in awarding items wherein higher acquisition factors are associated with more powerful items, and by awarding points, the system would be essentially naming the probability value as the points awarded would be a probability function of the total points needed to acquire the item.” *See* page 7 of January 21, 2004 Office Action.

The examiner’s argument does not directly address the claimed limitations. Although it is admitted that items can be obtained by reaching a certain point level, an acquisition factor is not part of the equation. Moreover, awarding points is not “essentially awarding a probability of acquiring an item.” A probability of acquiring an item is a chance of acquiring an item. If the probability of acquiring an item is 50%, one time out of two, the item will be awarded. Awarding points is quite different. If 50 points are awarded and the item requires 100 points, the character has zero chance of acquiring the item. Awarding 20 more points does not increase the probability of acquiring the item: the probability remains 0 until 100 points are awarded. Points are deterministic whereas probability and acquisition factors are stochastic. Therefore the examiner’s conclusion that by “awarding points, the system would be essentially naming the probability value as the points awarded would be a probability

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function of the total points needed to acquire the item” is entirely inaccurate. Points are not a probability function but rather are a set static number.

Consequently, it is requested that the rejections of claims 5, 17, and 23 be overturned.

(9) CONCLUSION

Claims 1 - 3, 13-15, and 19 - 21 are allowable and are not properly rejected under 35 U.S.C. §103(a) as being obvious over OHNUMA et al. in view of Final Fantasy VIII (FFVIII).

Claims 4, 5, 16, 17, 22, and 23 are allowable and are not properly rejected under 35 U.S.C. §103(a) as being obvious over OHNUMA et al. in view of KONDO et al.

There is no motivation to combine the applied references.

Even if combined, the references fail to teach all the limitations, namely:

With respect to independent claims 1, 13, and 19 the applied references do not teach or suggest comparing an amount of damage inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character; changing the parameter . . . according to a first condition when the enemy is defeated by an amount of damage that is less than the threshold value; and changing the parameter . . . according to a second condition that is different from the first condition when the enemy is defeated by an amount of damage that is at least the threshold value .

With respect to dependent claims 3, 15, and 21, the applied references do not teach or suggest the parameter comprising the numbers of items acquired by the player; the changing increasing the number of items by a first number when the amount of damage is less than the threshold; and the changing increasing the number of items by a second number greater than the first number when the amount of damage is at least the threshold.

With respect to dependent claims 4, 16, and 22, the applied references do not teach or suggest the parameter comprising the number of items acquired by the player; the changing increasing a number of first items when the amount of damage is less than the threshold; and the changing increasing a number of second items that are different from the first items when the amount of damage is at least the threshold.

With respect to dependent claim 5, the applied references do not teach or suggest changing the probability of acquiring an item to a first probability when the amount of damage is less than the threshold, and changing the probability of acquiring an item to a second probability that is higher than the first probability when the amount of damage is at least the threshold.

With respect to dependent claims 17 and 23, the applied references do not teach or suggest changing the number of items the player character acquires by using a first item acquisition factor when the amount of damage is less than the threshold, and changing the number of items the player character acquires by using a second item acquisition factor that

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is higher than the first item acquisition factor when the amount of damage is at least the threshold.

Thus, appellants respectfully submit that each and every pending claim of the present application meets the requirement for patentability under 35 U.S.C. §§102 and 103 and that the present application and each pending claim are allowable over the prior art of record. Thus, the decision of the Examiner to reject claims 1-6 and 13-24 should be reversed, and the application should be remanded to the Examiner for prompt issuance of a Notice of Allowance.

Respectfully submitted,
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APPENDIX

1. A computer-readable recording medium having a program of a video game recorded therein, at least one predetermined parameter assigned to a player character in said game being changed when the player character defeats an enemy character, wherein

upon being read by a computer, the program of the video game causes the computer to execute:

comparing an amount of damage inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character;

changing the parameter stored in a storage device according to a first condition, when the enemy is defeated by an amount of damage that is less than the threshold value; and

changing the parameter stored in the storage device according to a second condition that is different from the first condition, when the enemy is defeated by an amount of damage that is at least the threshold value.

2. The computer-readable recording medium according to claim 1, wherein when the amount of damage is less than the threshold value, the changing raises the parameter stored in the storage device by a first value; and

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when the amount of damage is at least the threshold value, the changing raises the parameter stored in the storage device by a second value that is greater than the first value.

3. The computer-readable recording medium according to claim 1, wherein said predetermined parameter comprises the number of items acquired by the player character; and

when the amount of damage is less than the threshold value, the changing increases the number of items stored in the storage device by a first number; and

when the amount of damage is at least the threshold value, the changing increases the number of items stored in the storage device by a second number that is greater than the first number.

4. The computer-readable recording medium according to claim 1, wherein said predetermined parameter comprises the number of items acquired by the player character;

when the amount of damage is less than the threshold value, the changing increases a number of first items stored in the storage device; and

when the amount of damage is at least the threshold value, the changing increases a number of second items that are different from the first items, stored in the storage device.

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5. The computer-readable recording medium according to claim 1, wherein
when the amount of damage is less than the threshold value, the changing changes
the probability of acquiring an item to a first probability; and

when the amount of damage is at least the threshold value, the changing changes
the probability of acquiring the item to a second probability that is higher than the first
probability.

6. The computer-readable recording medium according to claim 1, wherein a
plurality of players operate respective characters in a common virtual space by utilizing a
computer network.

7 - 12. (Canceled)

13. A video game apparatus comprising:
a computer-readable recording medium having a program of a video game
recorded therein, at least one predetermined parameter assigned to a player character in
said video game being changed when the player character wins a battle against an enemy
character; and

a computer that reads the program from the recording medium and executes the
program by reading the program from the recording medium, wherein

upon reading the program from the recording medium, the computer compares an
amount of damage inflicted on the enemy character by the player character, immediately

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before the player character defeats the enemy character, with a threshold value previously set for the enemy character;

changes the parameter stored in a storage device according to a first condition, when the enemy is defeated by an amount of damage that is less than the threshold value; and

changes the parameter stored in the storage device according to a second condition that is different from the first condition, when the enemy is defeated by an amount of damage that is at least the threshold value.

14. The video game apparatus according to claim 13, wherein
said computer raises the parameter stored in the storage device by a first value, when the amount of damage is less than the threshold value; and
raises the parameter stored in the storage device by a second value that is greater than the first value, when the amount of damage is at least the threshold value.

15. The video game apparatus according to claim 13, wherein
said predetermined parameter comprises the number of items acquired by the player character; and

the computer increases the number of items stored in the storage device by a first number, when the amount of damage is less than the threshold value; and

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the computer increases the number of items stored in the storage device by a second number that is greater than the first number, when the amount of damage is at least the threshold value.

16. The video game apparatus according to claim 13, wherein
said predetermined parameter comprises the number of items acquired by the player character; and

the computer increases a number of first items stored in the storage device, when the amount of damage is less than the threshold value; and

the computer increases a number of second items, that are different from the first items, stored in the storage device, when the amount of damage is at least the threshold value.

17. The video game apparatus according to claim 13, wherein
said predetermined parameter comprises the number of items acquired by the player character; and

the computer changes the number of items the player character acquires by using a first item acquisition factor, when the amount of damage is less than the threshold value;
and

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the computer changes the number of the items the player character acquires by using a second item acquisition factor that is higher than the first item acquisition factor, when the amount of damage is at least the threshold value.

18. The video game apparatus according to claim 13, wherein the video game comprises an on-line game in which a plurality of players operate respective characters in a common virtual space by utilizing a computer network.

19. A control method of a video game apparatus including a computer and a display device that displays an image of a video game, at least one predetermined parameter assigned to a player character in said video game being changed when the player character wins a battle against an enemy character, the method comprising:

comparing an amount of damage inflicted on the enemy character by the player character, immediately before the player character defeats the enemy character, with a threshold value previously set for the enemy character;

changing the parameter stored in a storage device according to a first condition, when the enemy is defeated by an amount of damage that is less than the threshold value; and

changing the parameter stored in the storage device according to a second condition that is different from the first condition, when the enemy is defeated by an amount of damage that is at least the threshold value.

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20. The control method of a video game apparatus according to claim 19, wherein
when the amount of damage is less than the threshold value, the changing raises
the parameter stored in the storage by a first value; and

when the amount of damage is at least the threshold value, the changing raises the
parameter stored in the storage device by a second value that is greater than the first
value.

21. The control method of a video game apparatus according to claim 19, wherein
said predetermined parameter comprises the number of items acquired by the
player character; and

when the amount of damage is less than the threshold value, the changing
increases the number of items stored in the storage device by a first number; and

when the amount of damage is at least the threshold value, the changing increases
the number of items stored in the storage device by a second number that is greater than
the first number.

22. The control method of a video game apparatus according to claim 19, wherein
said predetermined parameter comprises the number of items acquired by the
player character; and

when the amount of damage is less than the threshold value, the changing
increases a number of first items stored in the storage device; and

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when the amount of damages is at least the threshold value, the changing increases a number of second items, that are different from the first items, stored in the storage device.

23. The control method of a video game apparatus according to claim 19, wherein said predetermined parameter comprises the number of items acquired by the player character; and

when the amount of damage is less than the threshold value, the changing changes the number of the items the player character acquires by using a first item acquisition factor; and

when the amount of damage is at least the threshold value, the changing changes the number of items the player character acquires by using a second item acquisition factor that is higher than the first item acquisition factor.

24. The control method of a video game apparatus according to claim 19, wherein the video game comprises an on-line game in which a plurality of players operate respective characters in a common virtual space by utilizing a computer network.



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Mail Stop Amendment *ESW*

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In re application of : Toshiro TSUCHIDA et al.

Examining Group. 3713

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Examiner : C. MARKS

For : VIDEO GAME APPARATUS AND CONTROL METHOD THEREOF, AND PROGRAM OF
VIDEO GAME AND COMPUTER-READABLE RECORDING MEDIUM HAVING
PROGRAM RECORDING THEREON

Mail Stop Amendment

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Sir:

Transmitted herewith is an **Appeal Brief under 37 C.F.R. 1.192 (in triplicate)** in the above-captioned application.

___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

___ A Request for Extension of Time.

___ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 18	*24	0	x 9=	\$	x 18=	\$ 0.00
Indep. Claims: 3	**4	0	x 43=	\$	x 86=	\$ 0.00
Multiple Dependent Claims Presented			+145=	\$	+290=	\$ 0.00
Appeal Brief Filing Fee				\$		\$330.00
Total:				\$	Total:	\$330.00

* If less than 20, write 20

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☒ A check in the amount of \$330.00 to cover the filing fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

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